

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL MARKOWITZ,

Plaintiff,

v.

WILLIAM NICHOLSON, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

2:20cv1311

Electronic Filing

MEMORANDUM ORDER

August 16, 2021

Plaintiff, Michael Markowitz, (“Markowitz” or “Plaintiff”), a Pennsylvania state inmate currently incarcerated at SCI-Greene, initiated this lawsuit by filing a *pro se* Complaint alleging violations of his civil rights pursuant to 42 U. S. C. § 1983. Markowitz alleges that he has received inadequate medical treatment. Named as Defendants are William Nicholson (“Nicholson”), the Corrections Health Care Administrator; Robert Gilmore (“Gilmore”), the former superintendent of SCI-Greene, and three medical providers assigned to SCI-Greene, James Fetterman, Sharon Colaizzi and Dr. Timothy Kross. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

On December 21, 2020, Defendants Gilmore and Nicholson filed a Motion to Dismiss for Failure to State a Claim (ECF No. 9). The Magistrate Judge’s Report and Recommendation (ECF No. 28), filed on June 1, 2021, recommended that the Motion to Dismiss be denied. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that Plaintiff had until June 18, 2021, to file objections and Defendants Gilmore and Nicholson had until June 15, 2021 to file objections to the Report and Recommendation. No objections were filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 16th day of August, 2021,

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 9) filed by Defendants Gilmore and Nicholson is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 28) dated June 1, 2021 is adopted as the Opinion of the Court.

s/ DAVID STEWART CERCONI

David Stewart Cercone

Senior United States District Judge

cc: MICHAEL MARKOWITZ
AP-8211
SCI Greene
169 Progress Drive
Waynesburg, PA 15370
(Via U.S. First Class Mail)

All Counsel of Record
(Via CM/ECF Electronic Mail)